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*Attorneys for Defendants Sage Associates;
Malcolm H. Sage, in his Capacity as Partner or
Joint Venturer of Sage Associates, Individually as
Beneficiary of Sage Associates, and Personal
Representative of the Estate of Lillian M. Sage;
Martin A. Sage, in his Capacity as Partner or Joint
Venturer of Sage Associates and Individually as
Beneficiary of Sage Associates; and Ann M.
Passer, in her Capacity as Partner or Joint
Venturer of Sage Associates and Individually as
Beneficiary of Sage Associates*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, TRUSTEE FOR THE
LIQUIDATION OF BERNARD L. MADOFF
INVESTMENT SECURITIES LLC,

Plaintiff.

)
) Adv. Pro. No. 08-1789 (SMB)
)

) SIPA LIQUIDATION
)

) Substantively Consolidated
)
)

) Adv. Pro. No. 10-4362 (SMB)
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)
)

v.)
)
SAGE ASSOCIATES; LILLIAN M. SAGE,)
in her Capacity as Partner or Joint Venturer of)
Sage Associates and Individually as)
Beneficiary of Sage Associates; MALCOLM)
H. SAGE, in his Capacity as Partner or Joint)
Venturer of Sage Associates and Individually)
as Beneficiary of Sage Associates; MARTIN)
A. SAGE, in his Capacity as Partner or Joint)
Venturer of Sage Associates and Individually)
as Beneficiary of Sage Associates; ANN M.)
SAGE PASSER, in her Capacity as Partner or)
Joint Venturer of Sage Associates and)
Individually as Beneficiary of Sage)
Associates,)
)
Defendants.)
_____)

NOTICE OF REQUEST TO DEPOSE BERNARD L. MADOFF

PLEASE TAKE NOTICE, that pursuant to the *Notice to Defendants Establishing Deadline to File Requests to Depose Bernard L. Madoff* [Docket No. 13786], Sage Associates, Malcolm H. Sage, Martin A. Sage, Ann M. Sage Passer, and Malcolm H. Sage, in his capacity as Personal Representative of the Estate of Lillian M. Sage, as defendants (the “Defendants”) in adversary proceeding number 10-4362 (SMB) (the “Adversary Proceeding”), seek permission to depose Bernard L. Madoff (“Madoff”);

PLEASE TAKE FURTHER NOTICE, that the specific areas of inquiry for the deposition taken by the Defendants will be as follows:

1. The proportion and division of legitimate and illegitimate activities of Madoff’s operations, including, without limitation, when Madoff began operating an alleged “Ponzi” scheme;
2. The extent to which Madoff bought, sold, and held actual securities on behalf of Madoff’s clients, including the Defendants;

3. The record-keeping process and procedures of each unit of Madoff's operations;
and

4. Areas of inquiry specific to the Defendants' accounts held with Madoff,
including, without limitation, the extent to which Madoff was directed to and did buy, sell, and
hold actual securities on behalf of the Defendants, including through the use of margin.

PLEASE TAKE FURTHER NOTICE, that the relevance of the forgoing specific areas
of inquiry to the Adversary Proceeding is that the Defendants have reason to believe that Madoff
engaged in actual securities transactions on behalf of the Defendants and that such transactions
were not part of the alleged "Ponzi" scheme. Such facts, if established, would provide
significant support to the defenses raised by the Defendants in the Adversary Proceeding.

Dated: August 5, 2016
New York, New York

McDermott Will & Emery LLP

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